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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,201	06/13/2001	Seung-Hee Yi	P-201	3440

34610 7590 06/17/2005

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/879,201	Applicant(s) YI, SEUNG-HEE	
	Examiner Creighton H. Smith	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-21 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 3,4,22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejection's set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 5-21, 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topper '895 in view of Brendes et al – U.S. publication #2001/0049730.

Topper's apparatus is directed towards signal message routing control in communication networks, col. 1, lines 6-8. The SCCP management of SS7 maintains "the congestion status of remote signaling points with which it has a signaling relationship," col. 1, lines 20-25. Figure 1 of Topper shows a plurality of signal processing units (4-1, 4-2, 4-3), with each processing unit interconnected via STPs (5-1, 5-2) to form a signaling network for signaling messages to be transmitted from an originating signal end point to a destination signal end point, col. 3, lines 23-30. Topper discloses a message transport controller (18), equivalent to applicant's cross-routing controlling unit, that both SENDS signaling messages to a remote STP and RECEIVES a routing message from the remote signaling node and translates it into MTC primitives. The MTC primitives include: MTP-PAUSE, MTP-STATUS (n), and MTP-RESUME, cols. 3 & 4, lines 64-68 & 1-5. These MTP primitive messages are indicative of whether or not a remote signaling point is operational or is subject to heavy traffic resulting in congestion. A routing controller (12) checks a point code availability and a congestion level, and controller (12) will not pass the message onto message transport controller

(18) if either the point code or subsystem number to which the message has been routed are in a prohibited state, col. 4, lines 36-45. In col. 5, lines 5-50, Topper discloses what each of the MTP primitives stands for and means.

Topper never specifically discloses that the remote signaling points, that his apparatus maintains congestion status on, are "heterogeneous." However, Brendes et al networks of Fig. 1 are most definitely "heterogeneous" because converged network (100) is composed of the SS7 network (104, 106, 108) and the IP network (110). The object of Brendes et al is to detect congestion, or failure, of a route. To have provided Brendes et al teaching of 2 heterogeneous networks in Topper's apparatus would have been obvious to a person having ordinary skill in the art, because both references are concerned with routing of messages around congested end points. For claim 8, see Topper's fig. 3E & col. 5, lines 40-50, for the discussion of MTP-RESUME primitive; fig. 3A & cols 4 & 5, lines 61-68 & 1-4, for the discussion of MTP-PAUSE primitive; figs. 3C, 3D, and col. 5, lines 5-39, for the discussion of MTP-STATUS primitive. Regarding claim 9, Brendes et al disclose in [0017] that a transfer allowed message is indicated as "TFA". Since "TFA" and "MTP-TRANSFER" are equivalent, they are deemed one and the same.

Claims 3, 4, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose a message discrimination and distribution unit, except in applicant's own Patent Application Publication #2001/0033549

Art Unit: 2645

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fikis et al.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

A handwritten signature in black ink, appearing to read "Creighton H. Smith", written in a cursive style.

03 June '05

Creighton H Smith
Primary Examiner
Art Unit 2645